

Appln No. 09/800,966

Amdt date February 8, 2005

Reply to Office action of September 8, 2004

REMARKS/ARGUMENTS

Claims 1-23 are pending. New claims 19-23 are added.
Claims 1 and 15 are amended to correct a typographical error.

Claims 4, 11, 13, 14, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form and include all of the limitations of the base claim and any intervening claims. New claims 19-23 include all of the limitations of the allowable claims 4, 11, 13, 14, and 18, respectively and thus are allowable. Accordingly allowance of the claims 19-23 is respectfully requested.

Claim 12 is rejected under U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regard as the invention. In view of the amendment to claim 12, it is respectfully requested that the above rejection be withdrawn.

Claims 1, 3, 7-8, 10, 15 and 17 are rejected under U.S.C. § 103(a) as being obvious over Fee (U.S. 5,777,761), claims 2 and 16 are rejected under U.S.C. § 103(a) as being obvious over Fee in view of Olshansky et al. (U.S. 5,418,785), claim 5 is rejected under U.S.C. § 103(a) as being obvious over Fee in view of Verthein et al. (U.S. 6,249,527), claim 9 is rejected under U.S.C. § 103(a) as being obvious over Fee in view of Dempsey (U.S. 6,526,021), and claim 6 is rejected under U.S.C. § 103(a) as being obvious over Fee in view of Verthein et al. and further

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in view of Parrish et al. (U.S. 6,550,016). Applicants submit that all of the pending claims in this application are patentable over the cited references, and reconsideration of the rejections and allowance of this application are respectfully requested.

With reference to item 5 of the Office action, Applicants respectfully submit that in the comparison presented by the Office action between the switching system of Fee and the present invention as recited, for example, in independent claim 1, there appear to be some technical features incorrectly construed.

More particular, the Office action states that Fee discloses a plurality of multiplexing units (130a, 130b, 130c, FIG. 1) as recited in independent claim 1. However, units 130a, 130b, 130c in Fee are merely optical combiners, as is clearly stated in, for example, col. 4, lines 48-49. Technically, combiners 130a, 130b, 130c are not capable of performing the functionality of the multiplexing units as recited in for example independent claim 1.

Independent claim 1 includes, amongst other limitations, that the multiplexing units are arranged to "multiplex n first WDM data streams into one said second data stream [having a second bit rate being substantially a multiple n of the first bit rate]." Applicants respectfully submit that is clear to a person skilled in the art that such a multiplexing cannot be performed by optical combiners 130a, 130b, 130c of Fee. All that the optical combiners 130a, 130b, 130c in Fee achieve is to

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combine optical signals of different wavelengths (signals originating from optical transmitters 112a-f in Fee) for propagation along one signal path, but without any changes to the individual optical signal bit rates. In other words, with the combiners 130a, 130b, 130c in Fee, there will never be a change in bit rate between signals entering and leaving the combiners 130a, 130b, 130c.

Therefore, Applicants respectfully submit that combiners 130a, 130b, 130c are not equivalent to, nor disclose the multiplexing units as recited in, for example, independent claim 1.

In addition to the above differences, the Office action is seeking to support a suggestion of different bit rates data streams entering and leaving the combiners 130a, 130b, 130c, which is technically not possible as described above, by reference to the disclosure that the two digital cross-connect switches (DCCs) 110a, b of Fee are used "for switching, routing, multiplexing, and de-multiplexing electrical signals into higher or lower bit-rates." (Col. 4, lines 7 to 10).

Independent claim 1 does not merely recite "any n first WDM data streams . . . destined for any one of said other network elements" (Office action, page 3, first paragraph), but rather recites that "any n first WDM data streams . . . destined for any same one of said other network elements to one of the multiplexing units for multiplexing into one said second data stream."

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Therefore, even if the disclosure in col. 4, lines 7 to 10 in Fee could be used to support suggestion of different bit rates data streams entering and leaving the combiners 130a, 130b, 130c, which is technically impossible, Fee would still fail to disclose that specific ones of the first WDM data streams are selected for multiplexing into one second bit rate data stream, as recited in claim 1.

Similarly, independent claim 15 includes, amongst other limitations, "selectively multiplexing any n first WDM data streams from one or more of the network elements of the first WDM network distant for any same one of said other network elements [on the second optical network] into one said second data stream] having a second bit rate, the second bit rate being substantially a multiple n of the first bit rate]." Fee does not teach or suggest at least the above limitation of independent claim 15, as discussed above.

In short, the independent claims 1 and 15 define a novel and unobvious invention over the cited references. Thus, claims 1 and 15 are allowable over the cited references. The remaining dependent claims 2-14, and 16-18 are dependent from claims 1 and 15, respectively and include all the limitations of their respective independent claim and additional limitations therein. Accordingly, these claims are also allowable over the cited references, as being dependent from allowable independent claims 1 and 15, and for the additional limitations they include therein.

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In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,
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626/795-9900

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